

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL No. 17-2054(DRD)

ROBERTO ORTIZ,
Defendant.

STIPULATION FOR CONSENT JUDGMENT

NOW COME the United States of America, plaintiff, and defendant Roberto Ortiz, through his undersigned attorney Juan P. Rivera-Roman, and before the Honorable Court, very respectfully submit the following stipulation:

1. The appearing parties have reached an agreement whereby the present civil action will be settled and final resolution of this case be achieved.

2. By virtue of the present agreement the parties have agreed to a resolution of all issues in the civil action, as follows:

- a. The parties agree to settle all matters involving the present civil penalties action.
- b. Defendant agrees to pay Customs and Border Protection the amount of \$2,500.00. In exchange, United States and the Customs and Border Protection will dismiss the present civil action with prejudice, and release the Defendant all obligations related to the civil penalties imposed.
- c. Defendant hereby releases and forever discharges the United States of

America, the Department of Homeland Security, Customs and Border Protection agency, their officers, agents, servants, employees, heirs, successors, or assigns (collectively "claimants") and claimants hereby release and forever discharge defendant, her heirs, successors and/or assigns from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity which claimants and/or defendant, their heirs, successors and/or assigns ever had, now have, or may have in the future in connection with the seizure, detention, and forfeiture of the above captioned civil action and/or any other issue related to this matter.

d. Defendant further agrees to save and hold harmless the United States of America, the Customs and Border Protection agency, their servants, employees, heirs, successors, or assigns harmless from any claims by any others, including costs and expenses for or on account of any and all lawsuits or claims of any character whatsoever, in connection with the seizure, detention and forfeiture of the above captioned defendant property and/or any other issue related to this matter.

f. Defendant will take no appeal from the entry of the consent judgment once accepted and entered by the Court.

g. Without making any admissions, defendant, Roberto Ortiz agrees not to contest the issue of whether there was a trademark violation under the Anti-counterfeiting Consumer Protection Act (ACPA), Pub. L. 104-153, 110 Stat. 1388, signed into law on July 2, 1996, codified as 19 U.S.C. § 1526; 19, United States Code, Section 1526(e).

3. The parties agree that, once it is entered on docket, the Judgment to be issued pursuant to this stipulation, shall be firm, final, and unappealable.

4. This document contains the entire agreement between the parties with respect to the civil penalties of the captioned case. This agreement supersedes all prior, if any, understandings, promises and/or conditions, and no additional promises, agreements and conditions will be entered into unless in writing and signed by all parties.

5. The parties agree that each shall bear its own costs, expenses and attorney's fees.

6. The attorneys for the parties represent that they have been duly authorized by their respective parties to enter into this Stipulation for Compromise Judgment.

7. Defendant Roberto Ortiz Torres represents to the Court to be satisfied with counsel, Juan P. Rivera-Roman and indicates that counsel has rendered effective legal assistance.

WHEREFORE the United States of America and defendant Roberto Ortiz, duly represented by counsel, respectfully pray that the Honorable Court take notice of the foregoing and accordingly enter Judgment and dismiss this case with prejudice.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 9th day of Sept. 2019.

FOR DEFENDANT

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Roberto Ortiz
Defendant

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